



SENATE BILL 27: Involuntary Annexation Moratorium

2011-2012 General Assembly

Committee:	Senate Finance	Date:	February 21, 2011
Introduced by:	Sens. Brock, Newton, Goolsby	Prepared by:	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 27 would place a moratorium on involuntary municipal annexations until July 30, 2012.*

CURRENT LAW: Under current State law, municipalities are authorized to involuntarily add territory to their municipal limits, if the area meets the statutory requirements for involuntary annexation.

Involuntary annexations are initiated by a resolution of intent, adopted by the municipal board. Involuntary annexations may also be initiated by an earlier and optional resolution of consideration, which allows the annexation ordinance to become effective earlier.

Once the municipal resolution of intent to annex is adopted, the statutes impose a timetable for the remaining steps prior to the adoption of an annexation ordinance. Once the annexation ordinance is adopted, there is an additional statutory time period prior to it becoming effective.

The statutory time lines for the involuntary annexation process are illustrated in the attached charts.

BILL ANALYSIS: Senate Bill 27 makes the following changes:

Section 1:

- Prohibits municipal adoption of an involuntary annexation resolution of consideration, resolution of intent, or annexation ordinance for cities of less than 5,000 (Part 2 of Article 4A of Chapter 160A) or by cities of 5,000 or more (Part 3 of Article 4A of Chapter 160A).
- Tolls (suspends) any action or notice required for any involuntary annexation ordinance that has been initiated, but not yet adopted.
- Allow municipalities to continue to develop polices, plan, collect data, or develop materials for potential future annexations.

Section 2:

- Provides that any involuntary annexation ordinance adopted prior to the effective date of this act with an effective date or or after the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.
- Provides that an annexation ordinance adopted prior to the effective date of this act that is the subject of litigation in any court on the effective date of this act shall not become effective until July 1, 2012, or a later date adopted by the municipality.

Section 3:

- Stays (suspends) any pending involuntary annexation litigation.

Senate Bill 27

Page 2

Section 4:

- Provides that a municipality may amend its budget ordinance to account for the effect of this act, including establishment of a different tax rate.

Section 5:

- Contains a severability clause.

EFFECTIVE DATE: Effective when it becomes law, expires June 30, 2012.

S27-SMRW-3(e1) v4

S27-SMRW-15(e1) v1